

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 4, 2005. At the time of the Office Action, Claims 1-66 were pending in this Application. Claims 1-66 were rejected. Claims 1-3, 29, 34-36, and 62 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.83(a)

Examiner has objected to the drawings for being informal. Applicants submit a new set of formal drawings replacing the current set of drawings. The new set of drawings are formal drawings overcoming the Examiner's objections. No new matter has been added.

Rejections under 35 U.S.C. § 112

Claim 1 was rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claim 1 to overcome this rejection and respectfully requests full allowance of Claim 1 as amended.

Rejections under 35 U.S.C. § 102

Claims 1, 3-6, 9-14, 16-17, 20-21, 34, 36-39, 42-47, 49-50, and 53-54 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,013,908 issued to Kenji Kume et al. ("Kume et al."). Applicants amended independent claims 1 and 34 and, therefore, respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Claims 1, 3, 4-6, 9-12, 34, 36-39, and 42-45 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,317,134 issued to Kaoru Edamura. ("Edamura"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Amended claims 1 and 34 now include the additional limitation that the new technology appliance includes at least one heater generating a specific cooking characteristic within the new technology cooking appliance. Thus, for example, whenever a user faces a situation in which no cooking instructions for the new technology cooking appliance are available, the user can input the instructions/parameters for a given appliance and the new technology cooking appliance will automatically convert these parameters into parameters suitable for controlling the heater within the new technology cooking appliance.

None of the cited references discloses such a feature. Kume and Edamura merely discloses an appliance similar to an appliance described in the background section of the present application providing for a variety of selectable cooking profiles. However, none of the cited prior art discloses the specific conversion function as claimed in the independent claims.

Rejections under 35 U.S.C. §103

Claims 2 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kume et al. or Edamura in view of U.S. Patent Publication No. 2004/0134900 filed by Yun-Bong Chun ("900-Chun"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 7-8 and 40-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kume et al. or Edamura in view of U.S. Patent Publication No. 2002/0144995 filed by Yun-Bong Chun ("995-Chun"). Applicants respectfully traverse and submit the cited art

combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 15, 22-23, 48, and 55-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kume et al. or Edamura in view of U.S. Patent 6,097,016 issued to Kengo Hirata et al. ("Hirata et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 18-19, 29-32, 51-52, and 62-65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kume et al. or Edamura in view of U.S. Patent 4,580,025 issued to Roger W. Carlson et al. ("Carlson et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 33 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kume et al. or Edamura in view of Carlson et al. and further in view of U.S. Patent 4,093,841 issued to Raymond L. Dills ("Dills"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 24-28 and 57-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kume et al. or Edamura in view of U.S. Patent 6,486,453 issued to Michael E. Bales et al. ("Bales et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the

claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The dependent claims include all the limitations of the respective independent claims to which they refer to. Thus, these claims are allowable at least to the extent of the respective independent claims.

Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Andreas Grubert at 512.322.2545.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449 and a check in the amount of \$180.00, for the Examiner's review and consideration.

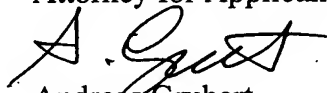
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-66 as amended.

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Andreas Grubert
Limited Recognition No. L0225
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Limited Recognition Under 37 C.F.R. §11.9(b)

Date: August 4, 2005

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PATENT APPLICATION
10/815,098

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APPENDIX

DRAWING AMENDMENTS

IN THE DRAWING:

The drawings were objected to since they have been considered as informal drawings. Please replace Drawing Sheet(s) 1-5, Figure(s) 1-5 with replacement Drawing Sheet(s) 1-5, Figure(s). Applicants provide formal corrected drawings.